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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

KYLE, MICHAEL J

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 07/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/830,732

Examiner

Michael J Kyle

Applicant(s)

HALLER, HUBERT

Art Unit

3676

-- Th MAILING DATE of this communication appears on the cover sheet with th c rrespondenc address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disp sition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- ☐ Interview Summary (PTO-413) Paper No(s). ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Regarding claim 1, the phrase "or the like" renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).
3. Claim 13 recites the limitation "the housing or housings" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim. Only a single housing has been provided for, not multiple housings, as recited in the claim.

Furthermore, line 2 of claim 13 provides for the housing to include "boreholes". It is unclear if these boreholes are the same as the boreholes claimed in claim 10, or a new set of boreholes. The examiner suggests adding a descriptive term or terms to the "boreholes" of claim 13 to help distinguish between the boreholes of claim 13 from the boreholes of claim 10.

4. Claims 11-18 depend from rejected claim 10 and include all of the limitations of claim 10, thereby rendering these dependent claims indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 11, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over West (U.S. Patent No. 4,452,390) in view of GB 2039599 (GB '599). West discloses a portable security container comprising a stationary housing (11) adapted to be secured in closets, on wall or in vehicles, in boats, in air planes and in bank safes, in which a case (14) adapted for being received in the housing (11) can be inserted and barricaded or locked, and that the case is provided with its own independent security locking system (25, 28). West also discloses that the independent locking system is a lock with a key (25) and that the housing (11) includes a concealment covering (12). West does not disclose the housing to include locking boreholes for locking and for receiving locking bolts associated with the case.

However, GB '599 discloses a housing (11) that includes locking boreholes (23) for locking and for receiving locking bolts (17) associated with the case (12) in order to secure the case in the closed position (Page 1 of specification, lines 26-30). Furthermore, Brush, Jr. et al. (U.S. Patent No. 4,688,493) is cited as an evidence reference. Brush, Jr. et al. shows that a fire resistant safe that has steel outer body. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the locking boreholes (23) of the housing of GB '599 and the locking bolts (17) of the case (12) of GB '599 in the housing (11) and case (14) of West to secure the case in the housing.

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6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of GB '599 as applied to claim 10 above, and further in view of Johnson et al. (U.S. Patent No. 2,819,692). Neither West nor GB '599 discloses that the locking boreholes are provided with reinforcements. However, Johnson et al. discloses locking boreholes that are provided with reinforcements (45, 46) for the purpose of guiding the locking bars (43, 44, Col. 3, lines 14-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the reinforcements (45, 46) of Johnson et al. in the housing (11) of West to reinforce the locking boreholes.

7. Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of GB '599 as applied to claim 10 above, and further in view of Lai (U.S. Patent No. 5,740,906). Neither West nor GB '599 discloses the housing to include boreholes for a locking rod or bar, or that multiple housings are connectable with each other.

However, Lai discloses a housing (20) with a borehole (25) for a locking rod (30) for the purpose of fixing multiple housing with respect to each other. Lai also discloses multiple housings (20) that are connectable with each other in order to increase the height of the containers (abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the housing of West as taught by Lai to provide added security and to create an expandable storage area.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of GB '599 in view of Lai as applied to claim 13 above, and further in view of Jakubas (U.S. Patent No. 5,199,286). West, GB '599, and Lai do not disclose that the lock bar can be secured with a lock. However, Jakubas discloses a lock bar (28) with a padlock on one end for the purpose of

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limiting access to the housing to key holders only (Col. 4, lines 50-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the lock bar of Lai as taught by Jakubas to further limit access to the housing.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

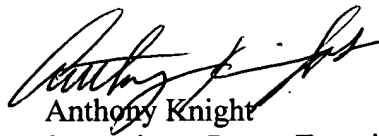
9. The following references are cited to further show the state of the art with respect to security cases that are adapted to be received in housings and may have connectable housings: Cantley, Sakai, and Cassidy et al. and Stein.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 703-305-3614. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

mk
July 3, 2002


Anthony Knight
Supervisory Patent Examiner
Tech Center 3600